

MINUTES

Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on Thursday, April 14, 2005 at 9:00 am in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, TN.

Those present were: Marshall H. (Pete) Ragan, Chairman; David Mathews, Vice-Chairman; Max Billingsley, Board Member; Sue Braly, Public Board Member; Robert Herndon, Staff Attorney; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

The meeting was called to order by Chairman Ragan at 9:05 am.

Minutes of the previous meeting were reviewed. Max Billingsley made a motion to accept the minutes as amendments were made to the Morton vs. Acheson informal conference. Sue Braly seconded the motion. The motion carried unanimously. Max Billingsley then made a motion to accept the minutes as presented with the modifications made in the above motion. David Mathews seconded the motion. The motion carried unanimously.

MISCELLANEOUS MATTERS –

After reviewing a letter from Thomas Young, TLS #2265 regarding unlicensed practice, David Mathews made a motion that the board file a complaint against “Unknown Person” based on Mr. Young’s letter and deeds that indicate either the unlicensed practice or malpractice by a licensee and that this be investigated immediately. Sue Braly seconded the motion. The motion carried unanimously.

COMPLAINT REVIEW:

Robert Herndon, Staff Attorney, then presented the following complaints for review:

Complaint #200419545 -

Max Billingsley made a motion to accept the attorney’s recommendation and close this complaint with a letter of caution to the respondent. David Mathews seconded the motion. The motion carried unanimously.

Complaint #200500393 –

Max Billingsley made a motion to accept the staff attorney's recommendation and dismiss this complaint for lack of cause. David Mathews seconded the motion. The motion carried unanimously.

Complaint #200420663 –

Complaint #200420661 –

David Mathews made a motion to issue a cease & desist letter to the respondents. Max Billingsley seconded the motion. The motion carried unanimously.

INFORMAL CONFERENCES –

Complaint #200421586 –

Jack McAdoo and James Simpson, the respondents, were present. Mr. Shearin, the complainant, was not present. Chris Cravens, attorney for the respondents, was also present.

After discussing the matter with the respondents and their attorney, David Mathews made a motion to dismiss the complaint. Sue Braly seconded the motion. After further discussion, Pete Ragan recommended that the board issue a letter of warning. David Mathews then amended his motion.

After more discussion, Mr. Mathews withdrew his first motion and Ms. Braly withdrew her second.

Mr. Mathews then moved that the board has found an unintentional violation that has been remedied by the respondents and made a motion that the respondents furnish the board with an affidavit stating that the violation of a second office and unlicensed practiced has been remedied and then dismiss the complaint pending receipt of the sworn statement. Pete Ragan seconded the motion. The motion carried unanimously. David Mathews then moved that this complaint is done. Pete Ragan seconded the motion. The motion carried unanimously.

Complaint #200500199 –

Jack McAdoo and James Simpson, the respondents, were present. Mr. Woods, the complainant, who was also invited to attend the meeting, was not present. Chris Cravens, attorney for the respondents, was also present.

Max Billingsley made a motion to add this matter to the sworn statement in the complaint above and the complaint is to be dismissed upon receipt of the sworn

statement from the respondent(s). Pete Ragan seconded the motion the motion carried unanimously.

Complaint #200409757 –

Both the complainant and the respondent were present.

After discussing the matter with the complainant and the respondent, the board found that in this particular case, the surveyor should have notified the landowner that he (the surveyor) was 58 feet off of an old fence and that a pile of rocks was piled around the old fence corner and in the board's opinion, that would have been grounds to serve notice on that landowner. Under the new wording of the law TCA 62-18-124(c), notice should have been made. Max Billingsley made a motion to send the respondent a letter of caution to point this out to the respondent and dismiss the complaint. David Mathews seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Donna Moulder
Administrative Director

Marshall H. (Pete) Ragan, Chairman

David Mathews, Vice Chairman

K. Max Billingsley

Sue Braly